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rights and struggles over
hydropower in Nepal

Thomas Sikor, Hari Dhungana and
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Justice brokers, global indigenous rights and struggles over hydropower in Nepal

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Abstract: This paper explores the role of brokerage in mobilizations for environmental justice. We surmise that if notions of environmental justice are plural then brokerage plays a critical role in mediating between different notions and translating notions between different arenas, actors and localities. For example, brokerage works to refashion universal agendas for specific contexts and reframe site-specific grievances in terms of universal principles and multi-sited activities. Our particular interest is with the question of how global environmental norms achieve or do not achieve stable traction on the ground through brokerage that creates coherent representations of particular struggles and constructs interactions patterned in resonance with global norms. We thus hope to gain insights on the proposition that justice provides a powerful ‘master frame’ (Della Porta and Tarrow 2005) or ‘global brand’ (Agyeman 2014) for site-specific struggles.

We examine brokerage through the case of a small hydropower project in western Nepal, particularly the practices of a specific intermediary. We trace the intermediary’s attempts to enroll villagers in his campaign against the hydropower project, as he finds out that the conceptions of justice foundational to his own organization are different from people’s notions on the ground. Affected villagers emphasize distributive issues because to them justice is about avoiding harm and deriving benefits from the project. Their demands resonate with Nepal’s regulations on hydropower projects, which stress distributive concerns over procedural rights. In contrast, the intermediary’s organization promotes indigenous peoples’ self-determination by way of procedural rights in correspondence with the International Labor Organization Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples. The intermediary finds himself caught in the middle: between the distributive conceptions dominant on the ground and in national policy, on the one hand, and the emphasis on recognition and participation in national and global mobilizations for the rights of indigenous peoples, on the other.

Recognizing that notions of environmental justice are plural and contested, our approach is to provide a bottom-up view of cross-scale mobilizations and global norms, such as those centered on indigenous peoples’ rights. Our focus is on where and how justice conceptions are produced and circulated, in the hope that such ethnographic insights allow us to understand better how brokerage performs work in the formation of cross-scale mobilizations and constitution of global environmental norms.

Introduction

Shyam is having a hard time convincing the villagers of Bargachhi to support his campaign directed at a small hydropower project.¹ Shyam, who is chairman of the Nepal Federation of Indigenous Nationalities (NEFIN) in the district including Bargachhi, has a point: the one meeting held by the project developer with villagers eight years ago does not meet the requirements of the indigenous and tribal peoples' rights set out in International Labor Organization Convention 169 (ILO 169) and ratified by Nepal's government. Yet, Shyam's problem is that ILO 169 has little traction with villagers, not only because few know about the convention but also because of its focus on procedural rights. Villagers' attention is on distributive matters: they request remedial actions for avoidable harms due to construction, claim compensation for unavoidable damages, and want a share in the project's benefits.

Shyam has encountered a more general issue with regard to the linkages between global norms and environmental struggles in specific sites: the conceptions of justice enshrined in global norms may be different from people's notions on the ground (Martin et al. 2014, Sikor and Hoang under review). In Bargachhi, villagers emphasize distributive issues because to them justice is about avoiding harm and deriving benefits from the project. Their demands resonate with Nepal's regulations on hydropower projects, which stress distributive concerns over procedural rights. In contrast, NEFIN promotes indigenous peoples' self-determination by way of procedural rights as operationalized in the Principle of Free, Prior and Informed Consent (FPIC), in correspondence with ILO 169 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Shyam finds himself caught in the middle: between the distributive conceptions dominant on the ground and in national policy, on the one hand, and the emphasis on recognition and participation in national and global mobilizations for the rights of indigenous peoples, on the other. He faces the problem pointed out by Merry (2006a) with regard to the promotion of global human rights: '[l]ocal communities often conceive of social justice in quite different terms from human rights activists' (1).

Discrepancies between global and local notions of justice may be a common feature of not only human rights advocacy but also environmental struggles around the world since contestations in particular sites increasingly invoke a rapidly expanding set of global norms. Where marginalized people successfully resist powerful companies and state agencies, they often do so by crafting temporary assemblages involving activists and supporters active at national and global scales (Bickerstaff and Agyeman 2009, Kumar 2014, Sneddon and Fox 2008). Such assemblages require the involved activists to create overlaps in multiple problem framings, i.e. shared beliefs, ideas about collective action, and strategies (Tarrow 1998). They may not be able to fully resolve all differences among multiple framings in their negotiations and adjustments among each other, yet successful assemblages require at least partial overlaps (Usher 2013). An important element in these assemblages may be the negotiation of compatible notions of justice, in the sense that they accommodate multiple ideas about the meaning and operationalization of justice. Where activists draw upon global norms, they may import global conceptualizations of justice into local and national mobilizations, as has been observed with anti-dam protests in Thailand and Mozambique (Sneddon and Fox 2008).

Intermediaries, such as environmental activists, community leaders, and the staff of nongovernmental organizations, play a key role as assemblers in environmental struggles. Many of them are rooted at the local level but also engage simultaneously in national and

¹ All personal and place names used in this paper are pseudonyms to protect the anonymity of our informants.

transnational mobilizations. Others focus on building transnational linkages and coalitions, yet retain some involvement in local and national struggles (Caouette 2007, Della Porta and Tarrow 2005). Intermediaries have played critical roles in the struggle against a transnational mining company in India (Kumar 2014) and the resistance against unequal exposure to industrial pollution in North-east England (Bickerstaff and Agyeman 2009). They help to form assemblages by connecting actors, defining their relationships, and framing the problem at hand. These intermediaries and assemblers resemble the work performed by brokers in development (Bierschenk et al. 2000, Olivier de Sardan 2005). As Olivier de Sardan notes, '[a]ny social process that brings localized low-level actors or groups into relationship with global structures [...] requires the service of go-betweens or mediators' (Olivier de Sardan 2005: 173).

Yet, such brokers are not simply located at the intersection of existing arrangements, but their brokerage also contributes to the construction of these very arrangements (Mosse and Lewis 2006). Global policies and projects become real through the work of brokers, offering interpretations and recruiting supporters (Mosse 2005). Brokers are engaged in creating order through political acts of brokerage, by translating norms into the languages of (actual or potential) stakeholders, creating interests, and aligning stakeholder interests with norms. In this, they are not simply driven by immediate economic or political rewards but also by efforts to shape their own identities and maintain coherent representations of social realities (Mosse 2005). In the wider negotiations over access to resources and control, brokers 'occupy a clearly strategic function' (Olivier de Sardan 2005: 173). At the same time, they are often vulnerable, such as the brokers between communities and the state in Mexico already observed by Wolf (1987: original in 1956).

Drawing on these literatures, we aim to explore the role of brokerage in mobilizations for environmental justice in this paper. We surmise that brokerage plays a critical role in mediating between different notions of justice, translating notions between global and local arenas and between different actors, localities, and settings. We are interested in how brokerage works to 'refashion global rights agendas for local contexts and reframe local grievances in terms of global [...] rights principles and activities' (Merry 2006b: 39). We are equally interested in how brokerage contributes towards the development of cross-scale assemblages in environmental mobilizations. Asking these questions, we hope to gain insights on the proposition that justice provides a powerful 'master frame' (Della Porta and Tarrow 2005) or 'global brand' (Agyeman 2014) for site-specific struggles. Or more specifically, we seek to understand how global environmental norms may achieve stable traction on the ground through brokerage that creates coherent representations of particular struggles and constructs interactions patterned in resonance with global norms.

In this paper, we examine this brokerage through the case of a small hydropower project in western Nepal, particularly the practices of a specific intermediary.² We trace Shyam's attempts to enroll villagers in his campaign against the hydropower project on the background of hegemonic distributive notions of justice at local and national levels and

² Our fieldwork consisted of a household survey, semi-structured interviews, key informant interviews, informal conversations, and a review of documents conducted in the first half of 2014. The survey used questionnaires with 37 households selected out of a total of 176 through stratified random sampling to describe their livelihoods and experienced project impacts. Nine semi-structured interviews helped us to understand how different kinds of villagers coming from a wide range of socio-economic backgrounds and engaged in different relations with the project evaluated project impacts, the actions undertaken by the company to address the impacts, and NEFIN's demands.

NEFIN's orientation towards global norms seeking to protect indigenous peoples' procedural rights. Our approach, therefore, is to provide a bottom-up view of transnational mobilizations and norms, not only for indigenous peoples' rights but also more generally. Our focus is on where and how justice conceptions are produced and circulated, in the hope that such ethnographic insights allow us to understand better how brokerage is performative work by helping to constitute global environmental norms.

We recognize that our interest in indigenous peoples' mobilizations and norms may stretch the limits of emerging work on justice and water governance (Joy et al. 2014, Perreault 2014, Sneddon and Fox 2008, Zeitoun 2013). Nevertheless, our approach follows Joy et al. (2014) by highlighting social actors' experiences of (in)justice, making their notions of water (in)justice explicit, and analyzing how different actors at different scales make justice claims on water. We think that indigenous peoples' mobilizations offer a particularly interesting lens to look at contestations over water because of their strong presence at the global level, and because they are based on a very specific notion of justice: the idea that indigenous peoples are a social group that deserve particular protection due to historical experiences of economic, political and cultural marginalization, and that self-determination is the way to overcome that.

The paper proceeds as follows. We begin with a short review of hydropower policy and politics, ethnic mobilizations, and local patronage politics in Nepal, followed by a brief introduction to the study site. We then analyse everyday negotiations over project impacts and company actions to demonstrate how they institutionalized a particular, distributive notions of justice. This sets the scene for our analysis of Shyam's attempts to convince villagers about supporting his agenda, which emphasized participation and recognition over distributive concerns. We conclude with a discussion of the constitutive role played by brokerage in mobilizations for environmental justice.

The politics of hydropower in Nepal

Democratization has had profound effects on hydropower development in Nepal over the past two decades and a half. First, the new space available for public debate about role of hydropower in socio-economic development has shaped hydropower policy and politics in a narrow sense. Second, ethnic mobilizations and the associated politics of indigeneity have challenged the state's authority over natural resources, including hydropower development. Third, democratization has influenced local elites' strategies and practices of political patronage. In this section, we review these developments briefly.

Hydropower policy and politics

Nepal's development planners have long pinned their hopes on the country's perceived potential for hydropower development as a source of foreign revenue and driver of domestic development. They have long asserted that the country's roughly 6,000 rivers had the potential of generating 83,000 MW of hydroelectricity although current installed capacity remains at a mere 700 MW (Dixit and Gyawali 2010, Sovacool et al. 2011). The government created Nepal Electricity Authority (NEA), a state-owned entity that was given the monopoly over power generation, transmission, and distribution. After 1990, the government invited domestic and foreign investors into the hydropower sector, developing an elaborate legal and policy framework applicable to hydropower projects starting with the Hydropower Policy and Water Resources Act of 1992. The new policy paved the way for private investors to get involved in hydropower development through the 'build, own, operate and transfer' model –

the ultimate transfer happening from the private investor to the state after a set number of years (Adhikari 2006).

The hydropower projects proposed for various parts of the country in the 1990s provoked resistance from civil society. Civil society organizations and movements flourished in the newly democratic Nepal, taking up issues in a wide range of sectors, including hydropower (Gellner and Hachhethu 2008). With regard to the latter, they asserted the importance of conserving the natural environment, protecting local people's livelihoods and rights, and safeguarding the economic and social sustainability of projects. The Arun III project became an iconic case of civil society opposition in the 1990s, especially after the resistance actually caused the World Bank to withdraw its support (Dixit and Gyawali 2010). At the same time, civil society attention to hydropower issues contributed to the emergence of a regulatory framework for hydropower development that was found to overlap significantly with the recommendations developed by the World Commission on Dams for responsible dam investment (Dixit and Gyawali 2010).

Over the past five years, Nepal's government has tried to attract new private and foreign investment by weakening some of the protective regulation. It issued licenses to 92 new hydropower projects with a combined capacity of 2400 MW, which would more than quadruple the installed capacity in the country.³ In addition, it prepared various measures to overcome local resistance against hydropower projects. The Ten-Year Hydropower Development Plan of 2009 highlighted the need to simplify the process of land acquisition and, if required, use 'measures to compulsorily acquire land'.⁴ In the same year, the Electricity Crisis Resolution Action Plan waived the requirement to conduct an Environmental Impact Assessment (EIA) for power projects expected to go for implementation by April 2011. The Twenty-Year Plan of 2010 instituted a limit on the benefits local people could receive under hydropower projects.⁵ Finally, to lend force to its efforts, the government of Nepal declared a 'state of energy emergency' in 2011.⁶

Nevertheless, strong regulation remains in place to protect the interests of local populations affected by hydropower projects. Even though the central government assumes a central role with regard to hydropower ownership, licensing, and benefit distribution, government regulation mandates the sharing of royalties collected from hydropower projects between the national exchequer (50%), involved development region (38%), and the affected District Development Committee (12%). In addition, the government calls upon project developers to offer the opportunity to affected populations and local governments to acquire a share in the project capital through various kinds of financial instruments.

Similarly, there is elaborate regulation seeking to protect local people's livelihoods, interests and rights during the construction process. Since the Environmental Protection Regulations of 1997, most projects have to conduct an EIA in preparation of construction, identifying not only biophysical but also economic, social and cultural impacts. The Regulations require

³ Department of Electricity Development (2014). List of Issued Generation Licenses, downloaded from http://www.doed.gov.np/construction_license_for_generation.php, accessed 14th June 2014.

⁴ Ministry of Energy MOE (2009) Main Report: Task Force on Ten-Year Hydroelectricity Development Plan. Kathmandu: Ministry of Energy.

⁵ MOE (2010). Report of the Twenty-Year Hydroelectricity Development Plan Formulation Task Force. Kathmandu: Ministry of Energy

⁶ See The Asia Foundation and NITI Foundation (2012) A Political Economy Analysis of Electricity Tariff Restructuring in Nepal. Kathmandu: The Asia Foundation and Niti Foundation. Downloaded from <http://asiafoundation.org/resources/pdfs/PEAelectricitytariffrestructuringinNepal.pdf> on 06/04/2014

project developers to implement impact mitigation measures, present the draft EIA report to the local population in a public hearing, and compensate affected people for all harms and damages, such as covering the costs of resettlement and land rehabilitation (Dixit and Gyawali 2010). In addition, Nepal's regulatory framework calls upon developers to employ local people in construction, provide suitable training for local human resource development, and implement corporate social responsibility projects.

Ethnic mobilizations

Nepal harbors not only a lot of rivers but also an extremely diverse population. The 2011 population census recorded a total of 125 social groups, including Hindu caste and ethnic groups, of which the largest included 17% of the total population only.⁷ The previous census of 2001 had put the number of ethnic groups at 44, including 36% of the total population (Hangen and Lawoti 2012). The ethnic groups have generally adopted the term 'indigenous nationalities' (*adivasi janajati*), which is a major outcome of the ethnic mobilizations that have occurred in Nepal in the general process of democratization (Hangen 2010: 49).

Since 2002, ethnic mobilizations have formulated outwardly political demands (Hangen and Lawoti 2012: 11-13, Hangen 2010: 37-38). Indigenous nationalities have demanded access to economic and political resources to redress the historical control of national politics and economy by the members of the traditional dominant groups. They have also sought autonomy for self-governance and control over ancestral homelands and the natural resources found on them. In 2006, the year of the so-called second people's movement, indigenous activists supported wider demands not only for a multi-party democracy but nothing less than a new state (Hangen 2010: 1). They influenced the drafting of the interim constitution in 2006-07, some of their demands being incorporated (Hangen and Lawoti 2012: 20). They also took on an active role in the 2008 Constituent Assembly elections by lobbying political parties to adopt their demands and establishing ethnically-based parties.

NEFIN has been the dominant organization in the indigenous nationalities movement (Hangen and Lawoti 2012: 20, Hangen 2010: 39). NEFIN actively participated in the movement to curtail the powers of the King in 2006. NEFIN also signed an agreement with the interim government in 2007, which signaled an implicit recognition of NEFIN's role as representing indigenous nationalities throughout Nepal. Over the first decade of the twenty-first century, NEFIN has increasingly employed demonstrations, mass rallies, and other forms of public protest. It has also tried to increase activities outside Kathmandu and established coordination councils in most districts, but has remained most active and organized in the capital (Hangen 2010: 40-41).

The indigenous mobilizations have transformed Nepali politics. The Interim Constitution of 2007 and government policy identify the rights and specific entitlements of indigenous groups as a matter of social justice. Already in 2002, the Parliament passed a bill for the establishment of the National Foundation for Development of Indigenous Nationalities to fund welfare programs for ethnic groups. Starting with the tenth plan (2002-2007), budget planning has made provisions for support specifically targeted at ethnic groups, including the earmarking of budgetary allocation to local governments (Hangen 2010: 2). Other demands

⁷ Central Bureau of Statistics (2011) National Population and Housing Census 2011 (National Report), Vol.1, p.4 (Available at: <http://cbs.gov.np/wp-content/uploads/2012/11/National%20Report.pdf>), accessed on Oct 30, 2014.

made by indigenous activists, particularly the call for a federal restructuring of the country on the basis of ethnic homelands, may not have made it into the constitution or government policy but are hotly debated in contemporary Nepal (Jones and Langford 2011). The influence of indigenous mobilizations in Nepali politics finds reflection in the country's ratification of ILO 169 in 2007, Nepal being the only country in Asia to have done so far (Jones 2012).

ILO 169 and UNDRIP have played a critical role in indigenous mobilizations in Nepal (Bhattachan 2012, Jones and Langford 2011). On the one hand, they have directed indigenous activists' attention to issues of self-determination, particularly with regard to land and natural resources. '[N]atural resources have become a key battleground' (Jones 2012: 627). NEFIN advocates a maximalist demand by stating that natural resources should be considered to be under indigenous peoples' collective ownership, a demand that is rejected by virtually all major political parties (Jones 2012: 633). On the other, Nepal's vote in favor of UNDRIP at the General Assembly in 2007 has provided activists with a concrete tool to implement self-governance: consultations based on the principle of Free, Prior and Informed Consent (FPIC) (Jones 2012). UNDRIP reinforces the requirement specified in ILO 169 that governments and private sector have to consult indigenous peoples on policies, programs and projects affecting those.

Local patronage politics

Despite the national process of democratization, local politics in rural Nepal remains often dominated by 'distributional coalitions': local powerbrokers team up to control the local population's access to services provided by District and Village Development Committees (Pfaff-Czarnecka 2008). The powerbrokers typically include government bureaucrats, politicians, businessmen, and important school teachers (Hachhethu 2008, Sharrock 2013). Local government officials and politicians are typically appointed by higher-level leaders in the absence of local elections since 1998. Lacking accountability downward, they collude with businessmen to control the provision of benefits, channeling services, contracts, jobs etc. to 'one's own people' (*afno manchhe* in Nepali) (cf. Bista 1991). The coalitions influence the allocation of development budgets and can even get their followers out of jail. Challenges to the distributional coalitions arising from new political parties, NGOs or other social groupings are often addressed by inviting serious contenders into the fold. Furthermore, the influence of the distributional coalitions tends to extend to presumably civil society institutions, such as public concern committees established around development projects (Sharrock 2013). It persists even though the so-called 'all party mechanism', which was established to formalize local leaders' participation, was disbanded in 2012 in reaction to the widespread embezzlement of government budgets.

Hydropower projects are subject to these patronage politics, since they are a significant source of finance, jobs, contracts, services, and other opportunities (Jones 2012, Rai 2008). First, they allow local politicians to offer the promise of electricity connections to their constituencies, which have significant leverage in a country that continues to experience prolonged power outages. Secondly, the construction of hydropower projects makes available significant benefits to the local population in the forms of jobs, contracts, financial compensation, etc. They thereby provide special opportunities for distributional coalitions although they may be disbursed directly by private developers and not through local government. Yet, the coalitions may achieve control of public concern committees involved in the distribution of benefits, as observed in the case of the abandoned Arun III project

(Jones 2012: 640). There, villagers considered the committee to have been ‘bought’ by the developer, even though its mandate was to represent local interests. Thirdly, once they come online, hydropower projects make significant contributions to the local government budget through the royalties shared with the District Development Committee and transferred onward to Village Development Committees.

In sum, hydropower development in Nepal witnesses the confluence of hydropower policy and politics, in the narrow sense, with ethnic mobilizations, shot through with entrenched local patronage politics. Hydropower policy and indigenous mobilizations offer different and competing conceptualizations of what justice is about with regard to hydropower development. Policy emphasizes distributive concerns: projects should avoid creating harms to the local population, and share some of their benefits with them. Indigenous demands center on the recognition of indigenous nationalities’ self-determination, including their control over natural resources. Specifically, the procedural rights granted to indigenous peoples under ILO 169 and UNDRIP go beyond the consultative procedures required by Nepal’s regulation (Jones and Langford 2011). Whereas global indigenous rights emphasize the ‘sincere desire to reach consensus’ (Jones 2012: 627), Nepal’s regulation limits participation to information-sharing. Thus, policy and indigenous ideas about socially just hydropower development are far apart, setting the scene for the case study of a particular hydropower project that we will examine in the remainder of the paper.

The study site: a river valley in western Nepal

The Village Development Committee (VDC) we call Bargachhi is located in western Nepal along a river that a prominent Nepali development planner referred to as a ‘golden egg’, because it is snow-fed and provides a fairly reliable water flow throughout the year. In the VDC, six villages are directly affected by the hydropower project. They include 179 households, of which 65 percent belong to indigenous groups, comprising Gurung, Ghale, Tamang, and Newar.

Smallholder agriculture was the main source of subsistence and cash income for the villagers in 2014. In our survey, nearly two thirds of the sample households stated that working the fields and raising livestock on the slopes above the river was their main source of food and income. People grew rice on irrigated fields, cultivating an average of 3,550 m², and other crops such as millet on unirrigated fields of an average size of 1,900 m². Yet, there were also significant differences among households since just one half of all households had their own fields, irrigated fields ranging from just 500 m² to 12,500 m² and unirrigated fields from 500 m² to 7,850m². Similarly, only half of all households raised a goat, and just one third owned a buffalo or cattle. Consequently, only one out of twenty households reported to sell agricultural produce, the rest saying that they consumed all produce at home. Some households had to purchase food, and one out of six households worked as sharecroppers on land owned by others.

Living standards were low in the villages, and some villagers barely met their own subsistence requirements. Merely one half of all households lived in houses with brick walls and a robust roof from corrugated iron or tiles. Every other household did not have a TV or radio. Every household used firewood for heating and/or cooking. Most households did not have running water at home but shared a common tap with others. Consequently, nearly half of all households reported that their annual cash income remained below Rs 50,000, one third said that their entire cash income was between Rs 50,000 and 100,000, and one out of four

households declared a cash income above Rs 100,000. Remittances from family members who had taken on jobs overseas were not a significant source of income for most, since only one out of six households reported to receive such.

Construction of the hydropower project began in 2012, after it received a hydropower generation license from the Department of Electricity Development for an installed capacity of 50 MW and period of 35 years. It is a run-off-the-river hydroelectric project, which does not require the building of a massive reservoir but channels the river flow into a five kilometer-long tunnel dug through the mountain side. The project is a joint venture between a foreign and Nepali partner, which we refer to as 'the company' in this paper. The company agreed to invest an estimated Rs 10 billion in the project under the terms of Nepal's 'build, own, operate, and transfer' policy. It has signed a power purchase agreement with the Nepal Electricity Authority and is scheduled to start generation by the end of 2015. The project promises to be a lucrative one for the company because the constant flow of the snow-fed river is projected to allow electricity generation even during the dry season (at half of the installed capacity). This is also the reason why there are already two other hydropower projects completed along the river and a few more are in the planning stage.

The construction works have affected villagers' livelihoods, although they are relatively small in comparison with those caused by hydropower projects involving the construction of a dam. The run-of-the-river design means that the project does not require the use of much land, minimizing the need for permanent resettlement and loss of agricultural land. It may not even compete with local agriculture over water, since villagers mostly use secondary streams for irrigation and did not mention any problems to us. However, villagers reported other impacts, as anticipated in the project in the EIA prepared by a Nepali environmental consulting firm in 2005. People in three villages were exposed to heavy dust caused by the company's vehicles. In four villages, cracks appeared in houses after the project set off detonations to bust the tunnel through the mountain side. In two villages, people reported that some water sources were drying out since the construction works had begun. However, the construction works did require the temporary relocation of a total of 15 households for a period of 15 months in order to protect their safety.

Everyday negotiations over hydropower

Villagers engaged the hydropower company actively. They generally acknowledged the benefits the construction of the hydropower project had brought to them, in particular the construction of a new bridge and road improvements. Some even professed pride in living next to the country's first tunnel blasted by the company through the mountain side, as short as it was. Nevertheless, they demanded the company to undertake remedial actions against avoidable losses, pay compensation for unavoidable losses and provide further benefits to the local population.

The dust generated by the company vehicles was the problem that annoyed villagers most about the ongoing construction. Virtually every person we talked to commented on how the company trucks and bulldozers generated big clouds of dust when they drove up and down the road along the villages. Villagers were concerned that the dust would cause damages to their health and resented its effects on shops, houses and agricultural fields along the road. In reaction, they requested the company to sprinkle the road on a regular basis. The company usually complied with their request, sending water trucks down the road. When the company forgot to do so, or when the road got too muddy, villagers spoke directly to the truck drivers.

In a few instances, when the company drivers did not follow their requests, villagers simply blocked off the road for a few hours until the company sent the next water truck.

The second-most important concern to villagers were the cracks that they saw develop in some of their houses due to the explosions set off by the company. As soon as villagers noticed new cracks in their houses, they reported them to the company. The company would then send staff to inspect and assess the damage, taking a photo of the cracks for storage in a project database. The photos served as evidence for the company staff, a technician of the Environmental Management Unit, a policeman, and the District Technical Officer to decide about the validity of the report and significance of damage. If approved, the company offered villagers the choice to be paid compensation for the damage or have company staff fix their houses. People generally voted for the compensation and appreciated the company's responsiveness to their cracks. In fact, many were quite busy observing their house walls and claiming compensation from the project for any cracks they detected.

The assertion of claims and payment of compensation was never a clear and straightforward process, neither in the case of cracks nor for the four households which had to leave their houses for the heaviest construction period, the one household who had to relocate permanently, or the one household whose agricultural land the company occupied for three years. Company officials complained unison that 'people are never satisfied' and 'demands are always exaggerated' although they considered the compensation amounts 'very good'. 'If Nepalese would run the project', an environmental officer pointed out, 'the compensation amount would not be so high'. Yet, the company had to give in to villagers' demands at least in parts because 'the company has its own time pressure to finish in three years'. They had to negotiate with villagers since they could not simply meet villagers' demands. Villagers, in turn, did not tire stressing and inflating the costs and losses imposed by the construction on them. For example, the temporarily moved households engaged with the company in intense negotiations over the applicable compensation. They originally demanded more than Rs 1 million to cover the costs of their temporary move, such as the land rental and construction of temporary shelter. They eventually received between 300,000 and 700,000 each, the range in compensation being justified with reference to differences in house size and type. Yet even after they took the money and moved to a site nearby they continued the negotiations by telling everyone that the amounts did not suffice to actually cover their incurred expenses and losses. As a lady explained to us after they had moved to a nearby plot of land, 'we have deposited the remaining amount in a bank'. 'We will spend the remaining on purchasing vegetables because we don't have a kitchen garden here.'⁸

Another area of heavy negotiations between villagers and the company was labor hire. Villagers generally welcomed the generation of new jobs through the construction. Some 400-500 people from Bargachhi and its vicinity found employment with the hydropower project, next to 200 Chinese workers and some 200-300 workers from other areas of Nepal. However, villagers were also deeply suspicious if the company had done enough to generate local jobs. Although the company was required by Nepali regulations and the EIA to give preference to local workers, many villagers were convinced that the company hired more workers from other areas than it had to. They did not believe the company's justification that they had to turn to external labor because local workers did not possess the required skills. They noted that in some cases the company employed external workers where villagers

⁸ Similarly, the household whose land the company occupied for three years complained that the compensation rate of NRs 900,000 per ha for three years was too low. However, our rough estimate indicates that the sum was higher than it cost the household to purchase an amount of rice equivalent to the lost harvest.

actually had the required skills, and that the company had not provided the training courses set out in the EIA and budgeted in the construction project. Consequently, labor recruitment was the area in which the company performed worst in the minds of many villagers. As a man explained to us, he was ‘not satisfied with the low payment’ and thought that ‘it would be better to go to Gulf countries for employment there’.

In stark contrast to the general dissatisfaction with labor hire, villagers were positive about the neighborhood support program, even though the company started it only in 2014, i.e. one and a half years after construction began. Even though it included six VDCs, the agreement was that Bargachhi would receive more than half of the support because it was most affected by the construction. The company committed a total of NRs. 40 million for three years, including NRs. 15 million to be spent in 2014.⁹ As set out in the EIA, the budget was available to support local schools, health posts, and whatever would be deemed as critical for socio-economic development. An immediate use of some of the funds was the construction of a water tap in a village, where the construction activities had apparently affected a water source. Decline in drinking water supplies was a significant concern to villagers, which had caused the company to supply water pipes and build a water tank in two other villages already.

Together with the neighborhood support program the company established a so-called Public Concern Committee in early February 2014. According to the company’s public relations officer, the Committee’s main task was to ‘mediate between people and the project’ and ‘facilitate smooth project operations’. Once the Committee was set up and registered as an NGO, the company expected all dealings with villagers to run through the Committee. The Committee had the mandate to decide about the allocation of funds in the neighborhood support program and recruit workers for the company. It consisted of 53 members coming from a wide variety of backgrounds, including Dalit, indigenous people and women, as its Chairman Ram pointed out, who himself had been an influential school teacher in Bargachhi. More importantly, as the company’s public relations officer noted, ‘the Committee was formed through multiparty consensus’, i.e. included all five major parties active in Bargachhi.

Two months later, villagers’ suspicions about the Committee’s nature and actions ran high. One man told us that most of its members came from political parties and did not represent the affected communities. A Dalit lady identified the Committee narrowly with its Chairman Ram and said that Ram only implemented what the company told him to, and did not listen to villagers’ concerns. Many complained that the Committee hired local workers through their personal and party networks, and that they often preferred hiring workers from other areas since they could charge them a commission. A woman captured this by using the concept of *afno manchhe* commonly used in Nepal to refer to favoritism in the allocation of jobs, contracts, and other benefits (see above).

Thus, villagers engaged in intense negotiations over justice with the company. They demanded remedial action for avoidable harms, compensation for unavoidable losses, and a share in project benefits. The villagers were not shy to make active demands on the project, which lead an NGO activist to comment that ‘there is a perception that in hydro-projects, people can make any demands’. At the same time, there was surprisingly little attention to the project’s wider environmental, social and cultural impacts, as people’s concerns were with

⁹ In this way, it is likely to have met the requirement put down in Nepal’s regulations that hydropower developers spent one percent of the construction budget on the provision of compensation and benefits to the local population.

the immediate impacts they experienced in their daily lives, such as dust. Nor did villagers' demands extend to future revenue-sharing and the payment of royalties for the use of sand and other natural resources stipulated by Nepal's regulation as major means for socially just hydropower development.¹⁰ Villagers simply did not know of these regulatory stipulations since there was no one who told them, and because the company refused to make the EIA report public.¹¹

In the process of these negotiations, villagers generally came to consent with the parameters set by the company for negotiations over justice, i.e. remedial actions for avoidable harms, compensation for unavoidable losses, and a share in project benefits. As a woman explained, 'the people are not in favor of closing the project but in favor of getting the compensation'. Similarly, an environmental officer commented that any obstructive activities undertaken by villagers, such as temporary road blockages, were 'a way of demanding'. 'People have the idea that if a strike is done, they can get compensation'. Compensation, in particular, was the currency established between villagers and company, by which they operationalized and measured justice. This implicit consensus found illustration in villagers' reactions to the death of a child who died crossing a creek diverted by the construction works: they demand compensation for the parents and the construction of a pedestrian bridge.

Brokering justice in a hydropower project

These everyday negotiations set the scene for Shyam's efforts to demand adherence to the principle of FPIC in the implementation of the hydropower project. As he stated to us, 'a movement for FPIC was started on the basis of ILO 169 and UNDRIP for the [...] hydropower project'. Shyam's demand for the application of FPIC was justifiable with regard to the transnational norms he cited as well as Nepal's EIA regulations. The latter required a public hearing on the EIA report and active solicitation of feedback by villagers. The Nepali company conducting the EIA had indeed organized a public hearing attended by some 200 people in Bargachhi in June 2005. However, it had distributed the report's executive summary only, and there was no way that villagers could grasp the significance of the proposed project within a couple of hours. Nor were they asked to declare their consent to the proposed project.

At the same time, Shyam was clearly aware of the higher stakes involved in his demands. On the one hand, the demand for FPIC applied not only to the specific hydropower project but had a much wider purchase to hydropower development and political representation in the district. Shyam himself noted that '[t]his district has been extraordinary in licensing hydropower', alluding to the various projects being implemented or planned. The planned hydropower projects not only raised important issues during their construction but also signaled the transfer of significant budgetary resources to the District Development Committee in the form of royalties.¹² On the other, Shyam denied that the established political parties had any legitimacy in representing indigenous peoples because 'political parties represent the state', whereas 'we in NEFIN represent indigenous peoples'.

¹⁰ On the latter, the company had already made an agreement with the DDC on the payment of 2.2 million, of which 35% would have to be transferred to Bhulbule VDC according to Nepali law.

¹¹ For example, the Ministry of Energy had not sent any inspectors even though Nepal's Environmental Impact Regulation obliged them to do so biannually.

¹² Just for this one project, we estimate that the royalties expected by the DDC are significant: from Rs 16 million/year upwards during the first 15 years, and from Rs 262 million/year upwards thereafter. In comparison, the DDC budget for the fiscal year 2014/15 was Rs. 347 million.

Background to his comment was that the district did not possess any of the Indigenous Nationalities Coordination Committees common in eastern Nepal (Sharrock 2013: 19). Nor was NEFIN invited to district meetings on hydropower issues, whereas they were on other development issues. Shyam's organization, NEFIN was excluded from the distributional coalition on hydropower.

Shyam's challenge

Shyam encountered significant challenges in his campaign for FPIC in the hydropower project. They raised serious questions about Shyam saw himself, and how he liked to be seen. After all, Shyam had been member of NEFIN for many years and had played a critical role in the establishment of its coordination council in the district. He was known to be an outspoken advocate for indigenous peoples' rights and had personally been active in training other NEFIN staff in advocacy beyond the district. For two years already, he had verbally expressed the demand to initiate FPIC consultations and given two training sessions on FPIC, ILO and UNDRIP. '[L]ast year in March', he told us, 'we gave a written letter to the project to initiate the FPIC process'. Yet, [t]hey did not listen to that'. At the same time, Shyam's demands responded to more immediate political challenges he faced.

Shyam was not only the chairman of the NEFIN district council but also an active participant in district party politics. As chairman of NEFIN, he was coming close to the end of his term and witnessed attempts by other members to undermine his leadership. In local politics, he had recently joined the newly formed Federal Socialist Party that had the recognition of indigenous peoples' rights as its main agenda. His new party competed directly for the 'left' voter base with the Communist Party of Nepal-United Marxist-Leninist (CPN-UML), which was the second largest party in Nepal and became a junior partner in the coalition government formed after the November 2013 elections. Shyam ran unsuccessfully in the elections, even though his new party gained a few seats according to proportional representation. Thus, Shyam found himself in a relatively precarious position both within NEFIN and local politics. This may have motivated him to look for new fields to establish his personal claims for leadership, identifying the hydropower project and hydropower more generally as such.

In addition, Shyam knew that he would encounter serious opposition by most local leaders in Bargachhi. The project had intelligently enrolled many local leaders in the PCC, particularly local party leaders, in line with the entrenched all-party mechanism common in rural Nepal. The PCC included the leaders of the CPN UML, who controlled the Committee through the party member Ram. As one member commented, 'whatever the leader says, that will happen'. Another female member voiced her suspicion that she was invited to become one of the 13 secretariat members only because the regulations required female representation. In PCC meeting, 'the voice of [ordinary] PCC members [was] not heard'. For Shyam, the situation was clear: '[t]he committee was a product of biased divisions between political parties, and not really represents the affected population', mirroring observations in other localities (Sharrock 2013). NEFIN was not invited to send a representative to the Committee and, therefore, excluded from the distributional coalition governing it.

The company had not only made sure to enroll local leaders in the PCC, but it also saw to them deriving personal benefits from their involvement, leading Shyam to conclude that '[t]he project [was] clever enough to buy the leaders'. As discussed above, PCC members immediately seized on the opportunity to influence labor recruitment for their own political

benefits as soon as the PCC was established. In addition, they found ways to derive financial benefits from their interactions with the company, as best illustrated by Ram. Ram managed to hire out some 10-15 dozers, vehicles, and tractors to the company. He did not own any of them but instead sourced them from their owners in the area. As Shyam had found out, Ram made a good cut by charging the company 150% the rental fee he paid to the owners. This amounted to significant income since the company paid Rs 1,100/hour for a tipper and Rs 1,900/hour for an excavator. In addition, Ram rented part of his land for the establishment of a military post. The rental fee of Rs 700,000/ha/year was more than double the fee paid to another villager (see above) and exceeded the fees typically charged for the rental of agricultural land in other parts of the country, including the environments of Kathmandu. These exaggerated fees explain why the company budgeted Rs 82 million for agricultural land compensation, i.e. more than double the amount allocated to the Neighborhood Support Program.

Shyam's first action with regard to the hydropower issue was to report the violation of the FPIC principle to Nepal's Human Rights Commission and international indigenous rights activists. Acting as representative of the Gurung and Tamang ethnic groups, he filled in a complaint form and submitted it to the Commission. The form stated that the project was 'carrying on infrastructural construction [...] without informing local people and thereby violated the right to FPIC of the local Gurung and Tamang indigenous communities'. FPIC was violated because people had never seen the complete EIA report. The project affected indigenous peoples' cultural rights because it 'started construction works in the cremation area. In addition, Shyam notified the Asia Indigenous Peoples Pact (AIPP) and 'some African networks'.

Nevertheless, Shyam understood well that it was not enough to call upon support from the Kathmandu-based Commission and international activists but that he also had to generate local support for his demand. This was no easy feat because villagers' concerns focused on issues they experienced in their daily lives, as discussed above. To villagers the dust generated by the company vehicles and the cracks caused by the explosions were more important damages than the violation of their right of FPIC. Also, villagers generally welcomed the project for the development benefits it already generated and was expected to generate in the future, such as access to employment. Shyam responded to this problem by pointing out that 'we don't want to stop the project', just wanted the project to respect villagers' rights. He also made it clear that his demand would not only benefit indigenous peoples but 'take account of indigenous rights and local people', i.e. not just the roughly two thirds of the local population belonging to the Gurung, Tamang and other ethnic groups but everyone in Bargachhi. Furthermore, he extended his demand for FPIC to address the villagers' distributive concerns by calling for 'direct payments to local people'. The payments were justified, he asserted, because villagers 'make blessings in relation to [the] river itself' and 'have been part of this ecosystem for several thousand years'.

Thus, Shyam faced the challenge of garnering villagers' support for his agenda, in direct competition with the established leaders in Bargachhi. He responded by adapting the NEFIN agenda for self-determination centered on the demand for FPIC to address villagers' distributive demands. In addition, he started to engage in specific activities to support villagers' demands and, in turn, enroll them in his campaign, as we show in the following.

The labor strike

Shyam decided to make common cause with a Labor Union leader who organized a strike by the company's workers from Bargachhi in reaction to villagers' grievances over the employment conditions. Shyam provided practical support to the strike called by the Labor Union at the end of February 2014. He expressed NEFIN's support for the strikers' grievances and added NEFIN's demands for FPIC and adherence to ILO 169 on top.

On February 24, 2014, virtually all local workers put down their tools and refused to perform any further work until the company raised their salaries and implemented other improvements in their work conditions. They gathered at the project site together with many other villagers and sent a delegation to the district center to meet the District Development Committee. The strike brought all construction works to an immediate halt and caused the company to send home the workers it had hired from other parts of Nepal. In the following days, local workers and other villagers continued to hold small meetings in the villages on a daily basis for nine days. The strike was eventually resolved through the mediation of the PCC. It yielded the promise of future improvements in work conditions: the company promised a small salary raise and improved benefit, such as the provision of free accommodation and transport and payment of performance-based bonuses, from September 2014.

When we talked to some of the key players involved in the strike barely a month later, they agreed that workers, villagers, Labor Union and NEFIN had made common cause for the strike. However, beyond this basic consensus, their accounts on what the strike was about and how it actually unfolded varied widely. To Shyam, NEFIN was the main organizer of the mass gathering on the first day. 'Around 1000 people participated in the demonstration, all the workers, local people, indigenous people, and mothers groups'. Shyam emphasized the fact that the protest had extended to the district center as well as the involvement of Nepal's Human Rights Commission. 'The Human Rights Commission sent some representatives, and they went to the site, met the affected people, and also met with [company] representatives'. The strikers' key demands, Shyam summarized, were to

'(1) ensure that the project takes consent from the affected people; (2) address affected people's grievances, particularly with regard to compensation; (3) improve workers' salaries, benefits and support facilities; and (4) to implement ILO 169 and UNDRIP.'

Other accounts were more tempered about the role NEFIN and the demand for FPIC had played in the strike. They generally agreed that the strike had involved not only workers but also many other local villagers, and that it had featured demands for both improved labor conditions and the consultation of affected people according to ILO 169. However, they attributed a much smaller role to NEFIN and their demands than claimed by Shyam. In particular, they challenged Shyam's account that there had been a big rally in the district center. The delegation sent to meet the District Development Committee was a small one, as most strikers stayed in Bargachhi. This was not a minor detail because it reflected the relative significance of labor and consultation demands: the labor demands were directed at the company located in Bargachhi, whereas the consultation demand was addressed at the District Development Committee.

The events and their recollection illustrate Shyam's precarious position between NEFIN's agenda and local claims. Shyam tried hard to connect NEFIN's key demand for the consultation of affected indigenous peoples with the local population's claims. He supported the strike because of people's grievances over the employment conditions and added the demand for consultation on top. He sought to extend the strike actions to the district center

and called in the Human Rights Commission to lend the demand for consultation some force. However, when the delegation sent from Bargachhi met the District Development Committee, Shyam was actually not invited to the table. Similarly, Shyam was dissatisfied with the resolution of the strike since the negotiated outcome met none of his demands. 'The outcome was not just', he commented. Local political leaders had not supported the strikers' cause but instead put pressure on the workers to accept the settlement. The company was able to get away with minor concessions because it 'bought the loyalty of some local leaders', and because it had successfully divided the Labor Union and NEFIN apart.

Resettlement

Another issue that came to Shyam's attention was the standoff between the company and the residents of a village located above a feeder tunnel to be blasted into the mountain side. The EIA had deemed it necessary to relocate some of the village households temporarily to protect them against potential harm from the construction works. It had classified the 24 households into three categories according to their exposure to potential harms and foreseen that eleven households considered at high risk would be relocated for 15 months and be paid compensation of Rs 500,000 each. Five households at medium risk would not have to move and receive payment of Rs 100,000, and the remaining eight households were expected to incur no risk and receive Rs 10,000 only. The villagers, in return, were deeply dissatisfied with the proposal and countered with the demand that every household in the village should receive compensation to the amount of Rs 4,500,000.

This is when Shyam detected an opportunity for NEFIN to support villagers and simultaneously establish NEFIN as a player in the negotiations between villagers and the company. Shyam mentioned the dispute in the report that he sent to the Human Rights Commission in February, and stated villagers' demands as a request by ethnic Gurung to 'guarantee adherence to international law on human rights including ILO-169'. He included the demand for fair compensation in the agenda of the strike started at the end of February (albeit without specific reference to the village). Talking to us in April, he stressed villagers' demand for equal compensation to all, de-emphasizing the company's focus on the material impacts of relocation, and instead arguing that villagers were 'fearful that their culture will be disrupted because of the relocation'.

The first few month of 2014 witnessed intense bargaining over the terms of relocation between the villagers and company. After the villagers requested collective compensation, the company reacted with slight increases in the amounts of compensation offered to the three groups. For example, it raised the payment offered to the high-risk households from Rs 500,000 to 550,000. The company's reaction, in turn, infuriated villagers. For example, a village woman commented that the amount offered to low-risk households was laughable, and that they 'were not ready to take the amount and would instead give it back to the [company]'. The villagers eventually sent a written letter to the company in which they demanded payment of Rs. 1,846,000 together with the employment of two people for each household. To lend force to their demand, villagers started to block the construction works near the planned tunnel on May 16. They continued the blockade for six days, engaging in various activities to attract attention such as banging plates against each other, displaying placards, and men exposing themselves bare-chested.

The villagers and the company eventually came to settle on a new agreement with regard the relocation. Ram and other leaders included in the PCC played an important role mediating the

dispute, as observed in other localities of Nepal (Sharrock 2013). Under the agreement, the company raised the compensation amounts to be paid to all households. In particular, the households at highest risk were now given Rs 1,000,000, i.e. double the amount offered initially. The compensation promised to households at medium risk was upped to Rs 250,000. Two of the low-risk households were moved into the medium-risk category, the remaining six households receiving Rs 100,000 only. In addition, the PCC invited two people from the village to join the PCC, one as member of the Secretariat, the other – female – one as a regular member, in resemblance of practices elsewhere in Nepal (Sharrock 2013). The company did not make any concession on employment, except the general promise to give priority to skilled workers from the village when they hired new workers.

The agreement effectively divided the villagers among each other. The eleven households that received Rs 1,000,000 appeared pleased in our conversations with them but clearly did not want to reveal that due to their awareness of other villagers' frustrations over the agreement. They emphasized that they had to accept the settlement, even though it was not good for them, because otherwise they were in danger of not getting any compensation at all. The households considered at medium risk, who were considered to live just far enough from the site at risk not to be relocated, were concerned that they may still suffer from negative impacts. As a woman explained to us, she was 'suspicious about the fact that her house will remain unaffected as a tunnel is going underneath and the village is prone to landslides'. Thirty years ago, there had been a landslide in which four villagers had died. Pointing out that the neighboring households ended up in different risk categories, she asked 'how it [was] possible that two households so close to each other [fell] under two different categories'. It was simply 'unfair that the two households so close to each other [got] different compensation amounts'. As a result, the villagers tended to evaluate the solution found more negatively than other people we talked to in Bargachhi, even though they had all received financial compensation, including sizable payments to nearly half of them.

The experiences from the labor strike and resettlement reveal the problems encountered by Shyam in his attempts to enroll villagers in his campaign. Some of them were due to his relatively precarious personal standing and the marginal position of his organization NEFIN in district politics as well as the company's successful efforts to secure local leaders' support by making available economic and political benefits. Yet Shyam's problem was also that the NEFIN agenda restricted the repertoire of discursive means available to Shyam. The focus on indigenous self-determination, and the central role given to FPIC as a means to operationalize it, limited Shyam's abilities to recruit villagers into the NEFIN campaign because villagers emphasized distributive issues. Shyam reacted by adapting the NEFIN agenda to villagers' demands. Nonetheless, the distributive model specified in Nepal's regulations and implemented by the company was much more attractive to both villagers and leaders.

Conclusion: brokering justice

Our insights highlight the brokerage operating at the intersection between different notions of justice. The conceptions specified in global environmental norms, enshrined in national law, and held by villagers are likely to differ from each other not only in our study site in Nepal but also in many places elsewhere. The presence of multiple notions opens up and simultaneously constrains the political grounds for environmental struggles in specific sites as well as the space available to the maneuvers of various intermediaries. Brokerage thereby serves to make particular notions of justice real by relating them to coherent representations of environmental struggles and constructing interactions in accordance with them. Brokerage

also helps to constitute certain norms as ‘global’ in the sense of possessing traction at many sites worldwide.

Brokerage operates through the practices of particular intermediaries who assert, adapt, and subvert plural notions of justice at local, national, and global levels. The intermediaries derive advantages from their linkages to multiple notions of justice for the discursive and material resources associated with them. For example, in many countries, references to justice bolster claims for state support, the state remaining the key guarantor of rights and most critical source of finance (cf. Wolford 2003). Appeals to justice may also afford privileged access to external support and knowledge through contacts to activists in other locations, countries or at the global level (Lindell 2009). Additionally, notions of justice afford the intermediaries means to make sense of messy social realities and to define who they want to be, and as what kind of a person they want to be recognized. At the same time, brokerage is also a source of vulnerability. Intermediaries have to persuade people with grievances to accept certain notions of justice, and need to convince states and donors to supply financial and political support in response to such demands. Notions invoked by higher-level environmental mobilizations may not fit local people’s notions, historical experiences, and cognitive frameworks (Upton 2014, Wolford 2003). The gap between justice conceptions may be particularly challenging when activists invoke universal norms since those rarely match local contexts (Merry 2006b). In the worst case, hegemonic notions of justice may limit the repertoires of ideas and practices available to the brokers in a particular site, or elites may try to manipulate or subvert the intermediaries and justice conceptions (Merry 2006b, Wolford 2003).

These insights put us in a favorable position to revisit the proposition that justice serves as a ‘master frame’ or ‘global brand’ empowering local and national mobilizations around the world. On the one hand, justice may serve the aims of environmental activists worldwide since it provides a powerful vocabulary, increasingly creates access to material resources and may be a particularly apt source of identity. Shared concern for justice has enabled actors that are marginalized in a particular setting to successfully resist powerful actors by coming together with external actors around common campaigns of justice (Kumar 2014: 204). On the other hand, the problem is that justice almost always takes on different meanings to the social actors involved in mobilizations. Moreover, since notions of justice are always partial, they privilege some claims over others, and some actors over others. Consequently, negotiations over the meaning and operationalization of justice are exposed to unequal power relations, which condition the chance for multiple and often competing ideas of justice to be heard and easily end up privileging the more powerful actors involved in mobilizations.

Thus, global norms may or may not serve as suitable vehicles for empowering local and national mobilizations for environmental justice. Global norms may offer important discursive support and create access to material support for local or national mobilizations. They may even do so in cases where global notions do not fit neatly with local or national demands, as mobilizations for justice have successfully accommodated discrepancies in justice notions between scales (Upton 2014). However, global norms may encounter difficulties to become relevant and effectively support specific demands in particular contexts. They may even work to restrict the discursive options available to specific mobilizations. In the worst case, global ideas about justice may displace alternative visions of social justice if environmental mobilizations fail to transform ‘the vastly unequal distribution of power and resources that channels how ideas develop in global settings and are picked up or rejected in local places’ (Merry 2006a: 4).

These insights highlight some of the vexing issues encountered by indigenous peoples' mobilizations. Indigenous peoples' activists have developed powerful global networks and have successfully lobbied for global norms on their rights, particularly ILO 169 and UNDRIP. In some countries such as Nepal, they have organized into forceful nation-wide associations representing them in political process. Nevertheless, this very success may undermine the ability of indigenous peoples' activists to represent the claims by society's most marginalized people. The focus on global and national mobilization may limit their responsiveness to indigenous peoples' specific demands in particular settings. The emphasis on indigenous peoples may privilege those over other marginalized people, defeating the very justification of special attention to indigenous peoples due to their historical marginalization. Thus, indigenous mobilizations encounter a novel challenge in countries such as Nepal: it may become difficult for indigenous activists to 'indigenize' their demands for justice.

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